

UNITED STATES DISTRICT COURT  
for the  
Southern District of Indiana

United States of America  
v.

Dustin Rose

*Defendant(s)*

Case No.

1:23-mj-197-TAB

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of from 11/2020 to 8/27/22 in the county of Marion in the  
Southern District of Indiana, the defendant(s) violated:

*Code Section*

8 U.S.C. § 2251(a) and (e)

*Offense Description*

Sexual Exploitation / Attempt Sexual Exploitation of a Child

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

s/Laura Smith

*Complainant's signature*

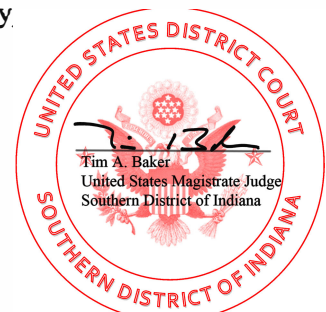
Laura Smith, Task Force Officer, USSS

*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by  
telephone *(reliable electronic means)*

Date: 3/10/2023

City and state: Indianapolis, Indiana



**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Laura Smith, being duly sworn, hereby depose and state as follows:

1.     **Affiant:** I am a Detective in the Cybercrime Unit of the Indianapolis Metropolitan Police Department (IMPD). I am also a cross-designated Task Force Officer (TFO) with the United States Secret Service (USSS).

2.     **Experience:** I have over 25 years of law enforcement experience. I have investigated State and Federal criminal violations related to high technology or cybercrime, child exploitation, and child pornography. I have written numerous search warrants involving internet crimes against children cases and participated in their execution.

3.     **Training:** I have attended and presented at the National Crimes Against Children Conference and attended numerous classes related to investigating the online sexual exploitation of children. I am a member of the Indiana Internet Crimes Against Children (ICAC) Task Force, which includes federal, state, and local law enforcement agencies. I am currently assigned to operate in an undercover capacity on the internet to identify and investigate persons attempting to exploit or solicit sexual acts with children or trafficking in child pornography. As a Task Force Officer, I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States.

4.     **Information provided:** The statements in this affidavit are based on information obtained from my observations and communications, as well as

information learned from other law enforcement officers and witnesses. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant and criminal complaint, I have not included each and every fact known to the investigators concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that **DUSTIN ROSE** committed a criminal offense.

5. **Probable Cause:** For the reasons listed below, there is probable cause to believe that **DUSTIN ROSE (ROSE)**, DOB xx-xx-1990 (known to Affiant, but redacted) has committed the following offense in the Southern District of Indiana and elsewhere: **Count 1–Sexual Exploitation of a Child / Attempted Sexual Exploitation of a Child.**

6. **Sexual Exploitation / Attempt Sexual Exploitation of a Child, 18 U.S.C. § 2251(a) and (e):** Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or

mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed. It is also a crime to attempt to commit this crime.

7. **Definitions:** The following definitions apply to this Affidavit:

A. The term “minor,” as defined in 18 U.S.C. § 2256(1), refers to any person under the age of eighteen years.

B. The term “sexually explicit conduct,” 18 U.S.C. § 2256(2)(A)(i-v), is defined as actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic areas of any person.

C. The term “visual depiction,” as defined in 18 U.S.C. § 2256(5), includes undeveloped film and videotape, data stored on computer disc or other electronic means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

8. **Witness / Victim Identification:** Each of the persons below is identified by pseudonym to protect the identity of victims and witnesses. Your

Affiant knows the identity of each Witness / Minor Victim and can make such information available to Magistrate Judge who signs this affidavit / arrest warrant upon request.

A. **Witness 1:** Witness 1 was a live-in girlfriend of Dustin Rose.

According to Witness 1, she and Rose dated from November of 2020 until the end of August of 2022. She said they also lived together from March of 2021 until August 27, 2022.

i. **Minor Victim 2:** Minor Victim 2 is a prepubescent female who, at all times relevant to this case, was less than 12 years of age. The child is a female relative of Witness 1 and lived with Witness 1 and Rose in the same home.

ii. **Minor Victim 3:** Minor Victim 3 is a prepubescent female who, at all times relevant to this case, was less than five years of age. The child is a female relative of Witness 1 and lived with Witness 1 and Rose in the same home.

iii. **Minor Victim 2 and Minor Victim 3** are sisters.

B. **Witness 2:** Witness 2 dated Dustin Rose from 2016-2019.

C. **Minor Victim 1:** Minor Victim 1 was a prepubescent female who, at the time of the conduct alleged to involve her, was less than fourteen (14) years of age. The child is Witness 2's niece.

**FACTS SUPPORTING PROBABLE CAUSE FOR ARREST WARRANT**

9. **Case Overview:** This case involves the sexual exploitation, attempts at sexual exploitation, and abusive sexual conduct by Dustin Rose (Rose) against three minor female relatives of two women Rose dated. While the conduct came to light in 2022, sexual exploitation and attempts at sexual exploitation span a period of years. An investigation into Rose and his conduct led to discovery of the following:

A. Rose did sexually exploit Minor Victim 3, using the child to engage in sexually explicit conduct by displaying the child's genitals in a lascivious manner. The images were created in the bedroom that Witness 1 shared with Rose. The images are cache images, found on Rose's cell phone, meaning the images were once in Rose's Google account and were viewed on Rose's cell phone. **(Count 1)**

B. Rose did attempt to sexually exploit Minor Victim 1, when he used Minor Victim 1 to attempt to create images of the lascivious display of her genital and pubic area. Rose did this when Minor Victim 1 was sitting on a couch, wearing a long shirt or shorter dress, in a manner that allowed Rose to aim his camera at her genital area and take images of the area between her legs. Her genitals were covered in the images but clearly are the focal point. On another occasion, Rose took at least one image of himself touching Minor Victim 1's clothed breast.

C. Since 2021, Minor Victim 2 has alleged Rose touched her in a sexual manner.

D. Rose also possessed visual depictions of minors engaged in sexually explicit conduct. The data associated with these files showed that Rose received some of these files using Twitter and he also stored some of these files in Dropbox, a cloud storage service. Rose also recorded himself masturbating during a live, online chat session with a minor female, and he stored that video on a microSD card.

10. **Investigation of DUSTIN ROSE (ROSE):** This case began on or about September 20<sup>th</sup>, 2022, when Witness 1 told an IMPD officer that she found a microSD card belonging to her ex-boyfriend that contained child pornography. Your Affiant spoke to Witness 1 on that same day. Witness 1 provided the following information, among other statements:

A. Witness 1's ex-boyfriend is Dustin Rose (Rose).

B. In November of 2021, Minor Victim 2 made allegations of Child Molesting against Rose. The Department of Child Services (DCS) became involved, and a forensic interview was completed with Minor Victim 2.

C. Witness 1 explained that recently, DCS became involved again with Minor Victim 2 and Minor Victim 3 due to additional allegations of Child Molesting.

D. DCS Family Case Manager (FCM) Erica Brown interviewed Minor Victim 3 who reported that Rose showed her pictures of “peepee’s” and touched her nipples after spitting on his hand and her body.<sup>1</sup>

E. Witness 1 broke up with Rose and kicked him out of her home in August of 2022.

F. On September 20<sup>th</sup>, 2022, Witness 1 found a microSD card on the floor of her bedroom closet. Witness 1 has experience with computers and forensics and placed the SD card into an adapter. She saw that the microSD card was blank, which she thought was strange. Witness 1 used a program, which she identified as Foremost, to recover the files from the microSD card. After doing this, Witness 1 advised that she saw approximately 50 files which included videos and images of Dustin Rose fondling the breasts of a young female and focusing his camera view on her body, specifically her genital area which were covered with underwear.

G. Witness 1 saw images of Witness 2 from approximately 2019 also on the microSD card. Witness 1 recognized Witness 2 as a former girlfriend of Dustin Rose. In video chat, Witness 1 showed Witness 2 an image of the face in the images of the young female pictured in the images / videos on the microSD Card. Witness 2 identified the young female as Minor Victim 1, her niece, and provided contact information for her parents.

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<sup>1</sup> This interview occurred on September 15, 2022.



Witness 1 said she believed the incident on the microSD card may have occurred in 2018 or 2019, when Minor Victim 1 was under 12 years of age.

11. Your Affiant took custody of the microSD card and placed it into the Marion County Property Room under case IP220096281.

12. On September 26<sup>th</sup>, 2022 and September 27<sup>th</sup>, 2022, Detective Shane NicholSEN (NicholSEN) of IMPD applied for and was granted search warrants to seize and search the data within the black MicroSD card. The seizure search warrant was granted by Marion County Judge Keiffner under cause #49D20-2209-MC-026230. The search of the microSD card was granted by Marion County Judge Richard Hagenmaier under cause #49D28-2209-MC-026260. Detective NicholSEN then requested the IMPD Digital Forensics Unit (DFU) conduct a forensic examination of the MicroSD card.

13. **Interviews of Minor Victim 3:**

A. On September 15<sup>th</sup>, 2022, FCM Erica Brown briefly interviewed Minor Victim 3 at the Marion County-South DCS office. FCM Brown began to discuss Body Safety with Minor Victim 3. Minor Victim 3 suddenly stated, "Dustin used to do that." Minor Victim 3 stated Rose touched her on her butt and on her "pee pee," and indicated that Rose touched her on her breasts as well. It was difficult to understand, but it appeared Minor Victim 3 stated Rose would have his "privates showing," and that Rose put it in her mouth. FCM Brown asked what he put in her mouth exactly and she stated she did not know. Minor Victim 3 explained Rose put something in her mouth that

looked like a turtle. The child stated Rose used to talk to her when he touched her and would show her videos on a phone. Minor Victim 3 explained the videos were like what was in her “pee pee,” and that it was a “red thing that was long,” that swirled around. Minor Victim 3 stated she did not see Rose anymore because Witness 1 removed him from the house. The child also stated she did not feel safe with Rose because of what he had done.

B. On September 27<sup>th</sup>, 2022, Forensic Child Interviewer (FCI) Jill Carr interviewed Minor Victim 3 at the Marion County Child Advocacy Center (CAC). Minor Victim 3 identified various body parts on a male and female anatomical drawing. On the anatomical drawing of a female, she labeled the vagina as the “pee pee,” and the buttocks as the “butt.” On the anatomical drawing of a male, Minor Victim 3 labeled the penis as the “pee pee.” Minor Victim 3 stated nobody had touched her in any area that should not be touched and stated she was not allowed to talk about “Dustin” and the night before the interview, she had been told not to talk about Dustin Rose.

14. **Child Molesting Allegations by Minor Victim 2:** Since 2021, Minor Victim 2 has consistently alleged that Rose touched her chest over her clothing. Despite her allegations, no action was taken against Rose until the images on the microSD card were found. On November 30, 2021, Minor Victim 2 was forensically interviewed. She disclosed the following information:

A. Witness 1’s boyfriend was “Rose.”

B. Minor Victim 2 initially said she did not want to talk about what happened with Rose. Minor Victim 2 stated she had told Witness 1 about what happened with Rose, but Witness 1 called Minor Victim 2 a liar, which made her mad. Minor Victim 2 said she had also talked to the DCS worker, and it had made her feel better. Minor Victim 2 stated she did not want to talk about Rose because she did not want him to find out.

C. Minor Victim 2 wrote on the white paper and explained that Rose touched her. On an anatomical drawing of a female, Minor Victim 2 labeled the breasts as the “no-spot.” She wrote that Rose touched her no-spot on three separate occasions. Minor Victim 2 reported that Rose touched her no-spot in that manner three times, and it was always the same.

D. Minor Victim 2 stated Rose would come into her room at night, sit on the ground, and would just stare at her until she fell asleep. Minor Victim 2 stated once she was asleep, Rose touched her no-spot with his hands over her clothing. Minor Victim 2 stated Rose would leave the room, but he would eventually come back. Minor Victim 2 stated once he was back in the room, he would just sit on the ground and stare at her until the sun came up. Once the sun came up, Rose finally left the room.

E. Minor Victim 2 stated she told Witness 1 after the first time it happened but Witness 1 called Minor Victim 2 a liar and said it was not true because Witness 1 believed Rose had been in bed with Witness 1 the whole time.

15. **Interview of Witness 1:** On September 27<sup>th</sup>, 2022, Detective NicholSEN interviewed Witness 1.

A. Witness 1 reaffirmed to Detective NicholSEN what she had previously told Your Affiant.

B. Witness 1 further advised that after FCM Brown interviewed Minor Victim 3, she spoke to Minor Victim 3 about what happened.

C. Witness 1 stated Minor Victim 3 told her that Rose showed Minor Victim 3 images that looked like “pee-pees.” Witness 1 stated Minor Victim 3 pointed to her chest and told Witness 1 that Rose spit on his hand and rubbed her boobs. Minor Victim 3 told Witness 1 this information on the day before Witness 1 found the microSD card and called the police.

D. Witness 1 knew the microSD card belonged to Dustin Rose because he had told her that there were images of his sister’s wedding on it.

E. Witness 1 found the MicroSD card underneath some clothing and totes that belonged to Dustin Rose. Rose had not taken all of his belongings yet because he was homeless after he left Witness 1’s house.

F. After Witness 1 reviewed the data on MicroSD card, she observed images that depicted Dustin Rose touching Minor Victim 1’s breast. Witness 1 explained that she knew it was Dustin Rose who had touched Minor Victim 1 on the breast because of the way Dustin’s thumb was shaped with the other distinctive features of his hands in the image.

G. Witness 1 knew what happened with Minor Victim 2 since DCS had told Witness 1 to meet at the DCS office in 2021. Witness 1 then learned that Minor Victim 2 disclosed that Dustin Rose had come into her room at night.

H. Witness 1 explained that, at the time of the 2021 disclosure by Minor Victim 2, Witness 1 was going through a custody dispute at the time and felt what Minor Victim 2 had said was just something that she used to get back at Witness 1.

I. Witness 1 said she was told that Minor Victim 2 did not disclose any sexual abuse during the forensic interview, and the investigation was closed. Witness 1 stated Minor Victim 2 had recently talked to her more openly about what happened with Dustin Rose and indicated that Rose had touched her breasts.

J. Witness 1 advised she had been in a relationship with Dustin Rose from November of 2020 to August 27<sup>th</sup>, 2022 and lived in Indianapolis when the incident(s) would have occurred.

16. **Interview of Witness 2:** On September 27<sup>th</sup>, 2022, Detective Nicholsen interviewed Dustin Rose's ex-girlfriend, Witness 2.

A. Witness 2 explained that several months ago, Witness 1 reached out to her through Facebook because Witness 1 had medical questions about Dustin Rose.

B. Witness 1 recently reached back out to Witness 2 and told Witness 2 to call Witness 1 immediately. Witness 1 told Witness 2 she had found images of a young female and wanted Witness 2 to see if she knew who it was. Witness 2 said they had been on a video call with each other, and Witness 1 showed her the images. Witness 2 immediately recognized the young female in the images as her niece, Minor Victim 1.

C. In the images Witness 1 showed Witness 2, the camera view had been directed between Minor Victim 1's legs, and there was one image that showed Minor Victim 1's breast being touched. Witness 2 stated Minor Victim 1 appeared to be 11 to 12 years old in the images.

D. Witness 2 was in relationship with Dustin Rose from 2016 – 2019. Witness 2 stated the images had been taken at another relative's house in Indianapolis. Witness 2 also said that Minor Victim 1 is autistic, and she recalled that Minor Victim 1 told her she did not feel comfortable at the relative's house and that it did not make sense until Witness 2 discovered the images.

17. **Examination of the microSD Card:** On October 10<sup>th</sup>, 2022, Detective NicholSEN received the examination report of the microSD card from Detective Chandra Scherzinger, of the IMPD Digital Forensics Unit.

A. Images of Minor Victim 1:

i. There were approximately forty-five (45) images captured on December 3<sup>rd</sup>, 2018, that appeared to have the camera view

specifically directed towards the genitals and breasts of Minor Victim

1. Twelve (12) of the images depicted Minor Victim 1 sitting in a chair with her bare legs exposed. The main focus of the images was the child's bare legs which then progress to images which zoom in on the child's genital area. Minor Victim 1's genital and pubic area is not visible, as her genitals are covered, and her thighs touch each other. The focal point of the images, however, is clearly the area between her legs, based on the images captured. The child appears to be unaware that she is being recorded, and she is likely less than 14 years of age.

ii. There were approximately nine (9) images captured on December 25th, 2018, that appeared to have the camera view directed specifically towards the breasts and body of Minor Victim 1. In one of the images from December 25th, 2018, it depicts what appears to be an adult hand grabbing the nipple / breast of Minor Victim 1 (01745047.jpg).

iii. These images from December of 2018 had been captured with an LGE (make) LM-V350 (model) camera / phone.

B. There were other images on the microSD card. Det. Nichol森 observed images of Rose's Indiana ID card, his Social Security Card, his Internal Revenue Service (IRS) statements, and other identifying statements / information for Rose. These images had been captured earlier in 2018 prior to the images captured in December of 2018. Also, Detective Nichol森 noted

there were images on the MicroSD card of “selfie-style” photographs of Dustin Rose that had been captured in 2019.

C. The forensic examination of the microSD card also revealed carved MP4 video files. A “carved” file is one which previously existed on the device.

i. Video file 1-6793.mp4 depicts a minor female, less than 16 years of age, in the main frame of the video and an adult male with his penis exposed, masturbating in the smaller frame. The minor female is clothed and is simply watching the male, later identified as Rose, masturbate. It appears to Your Affiant that this video was created using screen capture technology, which allowed the user to record what was shown on his screen.

a. In the video, the male has on royal blue shorts pulled to the side exposing his penis.

b. Towards the end of the 4:47 minute video, the screen shows “rose left the chat” and “40 Holla Points claimed”.

c. The video then shows “93% of all pets can read their owners’ minds” and pans back showing a chair and then half of a white male’s face.

d. Detective Nicholsen reviewed the video and reported that the male in the video appears to be Dustin Rose.



e. The ending of the recording shows the profile of the male listed as being 17 years of age from Florida.

ii. Research of “Holla” revealed it to be a live random video chat application. Users can interact with random people from all over the world via live video calls and instant video chat.

iii. The royal blue shorts worn during the video are visually similar to an image which depicts a male with a pair of royal blue shorts pulled to the side with his penis exposed. Your Affiant saw this image within the images extracted from the microSD card of Dustin Rose (38838080.jpg).

iv. Based on the recording, it is Your Affiant’s opinion that Rose recorded a video of himself masturbating during video chat with a minor female.

18. **Interview of Minor Victim 1:** On October 13<sup>th</sup>, 2022, FCI Jill Carr interviewed Minor Victim 1.

A. Minor Victim 1 could not recall when the images had been taken of her, and only knew what everyone in her family had said about the investigation. She remembered that Dustin Rose had always been very nice and kind to her in the past. Minor Victim 1 stated nobody had inappropriately touched her and she had not been asked to touch anyone in an inappropriate manner.

B. During the interview, Detective NicholSEN showed Minor Victim 1 with screenshot images that had been recovered from the microSD card. These images had been captured from the same day Minor Victim 1 had been touched on the breast, and the same day other inappropriate images had been captured of Minor Victim 1. Detective NicholSEN numbered the photographs for additional reference.

C. Image from December 25, 2018: On one of the images, Image # 4, Minor Victim 1 immediately recognized the shirt and the necklace. She stated she did not have the shirt anymore, but she believed she still had the necklace. Minor Victim 1 stated she was most likely in 6 or 7th grade at the time of the image, which was taken at a relative's house. It should be noted that image # 4 was captured on the same day as the image that showed Minor Victim 1's breast being touched (December 25th, 2018).

D. Image from December 3, 2018: Detective NicholSEN introduced image # 2. Minor Victim 1 stated that was her from when she lived at a relative's house. She stated she recognized the bed, blanket, and the purple pencil case that belonged to her. It should be noted that image # 2 came from the same day numerous other photographs had been captured of Minor Victim 1 in a sexual / inappropriate manner (December 3rd, 2018).

19. **Interview of Minor Victim 1's Parents:** Detective NicholSEN then spoke with Minor Victim 1's parents. They advised Minor Victim 1 was diagnosed with Autism when she was around 6 years old. Detective NicholSEN showed the

images to each. The parents identified Minor Victim 1 in the images #1 through #5 and said they were taken in a relative's home in Indianapolis, Marion County, Indiana.

20. **Interview of Witness 2:** Detective Nichol森 interviewed Witness 2 again. She was shown the numbered images and identified Minor Victim 1 and the background as a relative's home in Indianapolis, Indiana. After the conclusion of the interview, Detective Nichol森 asked if Witness 2 recalled what kind of cellular phone Dustin Rose used to have. Witness 2 stated that Rose used to have an LG (make) V350 (model) phone. She recalled that Rose had broken the phone and it had to be fixed. Rose purchased the phone, but the phone had been a part of her AT&T phone plan / service.

21. On October 13th, 2022, Detective Nichol森 went to the residence where the images of Minor Victim 1 had been taken. The homeowner signed the Consent to Search form to allow Detective Nichol森 to take photographs of the interior and exterior of the home. The residence was in the Southern District of Indiana.

A. Detective Nichol森 took photographs of the interior and exterior of the home and noted several items within the home that appeared in the background of the images from the MicroSD card.

B. These items included a distinct toy(s) in a child's room and a painting which had been re-located to the master bedroom. The toy(s) and

painting had been observed in the background of the images taken of Minor Victim 1 on the same day she was touched on the breast.

22. **Arrest of Dustin Rose:** On October 19th, 2022, Detective Nicholsen located Dustin Rose. Detective Nicholsen transported Rose to the Child Abuse office for an interview. After being advised of his *Miranda* rights, Rose requested an attorney and declined to speak with Detective Nicholsen. Detective Nicholsen placed Dustin Rose under arrest on state charges and seized Rose's black T-Mobile cellular phone with a red and black case.

23. **Search Warrant for Rose's cell phone:** On October 19th, 2022, Detective Nicholsen applied for and was granted a search warrant by Marion County Judge Therese Hannah under Marion County cause # 49D32-2210-MC-028414, to search the data within Dustin's cellular phone.

24. **Forensic Examination of Rose's T-Mobile cellphone:** On January 5th, 2023, Detective Nicholsen received the forensic examination report from IMPD Det. Scherzinger. The report contained the following findings:

A. Dustin Rose had Google, MEGA, and Dropbox accounts on his cell phone.

B. Rose's Google account / email, MEGA account, and Dropbox are identified with email address [Dcrose0116@gmail.com](mailto:Dcrose0116@gmail.com).

C. Rose's cell phone contained cache images depicting a nude, prepubescent female minor, later identified as Minor Victim 3.

i. The file path of these images shows all of them to be Google cache photos. This presence of images in this file path indicates the user accessed/viewed these images using the Google Photos application of the device. When a user opens an image in the Google Photos app, the app downloads the image from Google's servers and stores it in the cache so that it can be quickly accessed in the future. Once an image has been cached, it will load more quickly the next time it is viewed because it is already stored on the user's device.

ii. The cache images depicted Minor Victim 3 laying on a bluish-green blanket. The background of the images appeared to be captured around the same time and within the same area.

iii. The cache images include close-up views of Minor Victim 3's genitals, buttocks, breasts, and stomach.

iv. One of the cache images depicted an adult-sized hand on the uncovered torso (abdomen area) of Minor Victim 3, and the child's face is visible in the image

(EXTRACTION\_FFS.zip/data/data/com.google.android.apps.photos/cache/glide\_cache/80bd65d2dc6e3fb57be92b0d3f4d497401de90693630fae79cc145449da4862b).

v. One of the cache images depicts adult hand/fingers around the outside of the naked genitals of Minor Victim 3, as though the fingers are opening the labia to reveal the internal genitals

(EXTRACTION\_FFS.zip/data/data/com.google.android.apps.photos/cache/glide\_cache/ce2aea043f605ec92d1f1ae18f48b8a4e5d8e24f9088805212eecf9885012ab0).

D. Rose's phone also contained other images that appeared to have been downloaded/received from websites, such as Twitter, depicting minor females that appeared to be child pornography, including images depicting adults engaged in sexually explicit conduct with prepubescent minors.

**25. Identification of the Exploitation Images from Rose's cell**

**phone:** On February 1<sup>st</sup>, 2023, Detective Nicholsen showed Witness 1 a sanitized image of the prepubescent minor female with the adult sized hand on her stomach. Witness 1 identified the female in the image as Minor Victim 3, the hand as Dustin Rose's, and the green / blue blanket as belonging to Minor Victim 3. Witness 1 signed a printed version of the sanitized image. Further, Witness 1 advised the image was taken on her bed at their old house, located in Indianapolis. Witness 1 stated they lived there from around July of 2021 – March of 2022.

26. On February 3<sup>rd</sup>, 2023, Detective Nicholsen collected Minor Victim 3's greenish-blue colored blanket from Witness 1's house. It appeared to be the same blanket as observed in several of the images from the IMPD Cell Phone Report.

27. The evidence from Rose's phone, statements from Witness 1, and evidence collected from Witness 1's bedroom leads your Affiant to conclude that Rose used Minor Victim 3 to engage in sexually explicit conduct – specifically the

lasciviously displayed genitals of Minor Victim 3 – for the purpose of creating a visual depiction of the conduct. Rose did also store these images in his Google account and viewed these Google photo images on his cell phone.

28. Detective Nicholsen requested the following search warrants:

A. Search warrant for the Google account ([Dcrose0116@gmail.com](mailto:Dcrose0116@gmail.com)), which was granted by Marion County Judge Tavis Shields on January 23, 2023, under cause #49D21-2301-MC-002098.

B. Search warrant for a Dropbox account associated with email [Dcrose0116@gmail.com](mailto:Dcrose0116@gmail.com), which was granted, by Marion County Judge Matthew Symons on January 25, 2023, under cause #49D23-2301-MC-002268.

C. Search warrant granting permission to login to Rose's MEGA account, associated with email [Dcrose0116@gmail.com](mailto:Dcrose0116@gmail.com) with a known password, which was by Marion County Judge Travis Shields granted on January 23, 2023, under cause #49D30-2301-MC-002097.

29. **Rose's MEGA account:** On January 23, 2023, this affiant received the MEGA search warrant and attempted to login to the MEGA account of Dustin Rose. MEGA reported that the account did not exist with the login information provided.

30. **Rose's Dropbox account:** The subscriber information for the Dropbox account included the name Dustin Rose with email address [dcrose0116@gmail.com](mailto:dcrose0116@gmail.com), with an account creation date May 12, 2016. The Dropbox

account has 159 files and 16 folders. A review of the account and files showed the account to contain mostly images and videos of child pornography, including the lascivious display of minor female's genitals and/or engaged in sexually explicit conduct with adults. Rose's resume was also in the Dropbox account.

31. **Rose's Google account:** The subscriber information for the Google account included the name Dustin Rose with email address [dcrose0116@gmail.com](mailto:dcrose0116@gmail.com). The account was created in January of 2013. In reviewing the account, including the Google photos, Your Affiant did not locate the images of Minor Victim 3; however, the Google photos revealed *no images* with dates between November 11, 2018 to April 22, 2022. Rose's Google account had several logins to the account including the last login date of October 18, 2022.

32. All the conduct in question occurred in the Southern District of Indiana and elsewhere. The Internet is a means and facility of interstate and foreign commerce, and the Defendant did use the Internet to transport sexually explicit visual depictions of Minor Victim 3. Google and Dropbox function using the Internet. The cell phone used to create sexually explicit visual depictions of Minor Victim 3 was not manufactured in Indiana or contained parts not manufactured in Indiana and, therefore, travelled in interstate and foreign commerce.



33. **Conclusion:** Based upon the contents of this Affidavit, there is probable cause to believe that **DUSTIN ROSE** has committed the above-listed offense. I respectfully request that the Court issue a Criminal Complaint and Arrest Warrant for **DUSTIN ROSE** charging him with the offense listed above.

/s/ Laura Smith  
Task Force Officer Laura Smith  
United States Secret Service

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by reliable electronic means, specifically by telephone.

Date: 3/10/2023

